

zation has members, the volume of cotton produced in each such county, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county;

(c) The extent to which the cotton producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of this chapter:

Provided, however, That the primary consideration in determining the eligibility of an organization shall be whether its cotton farmer membership consists of a sufficiently large number of the cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. The Secretary shall certify any cotton producer organization which he finds to be eligible under this section, and his determination as to eligibility shall be final.

(Pub. L. 89-502, § 14, July 13, 1966, 80 Stat. 284.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2103, 2106 of this title.

§ 2114. Rules and regulations

The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this chapter and the powers vested in him by this chapter.

(Pub. L. 89-502, § 15, July 13, 1966, 80 Stat. 285.)

§ 2115. Investigations by Secretary; subpoenas; oaths and affirmations; judicial aid

The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this chapter or to determine whether a handler or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter or of any order, or rule or regulation issued under this chapter. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of

books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

(Pub. L. 89-502, § 16, July 13, 1966, 80 Stat. 285; Pub. L. 91-452, title II, § 206(a), Oct. 15, 1970, 84 Stat. 929.)

AMENDMENTS

1970—Pub. L. 91-452 struck out designation “(a)” preceding first sentence and struck out subsec. (b) which related to immunity from prosecution of any individual compelled to testify or produce evidence, documentary or otherwise, after claiming his privilege against self-incrimination.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of Title 18, Crimes and Criminal Procedure.

CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

§ 2116. Definitions

As used in this chapter:

(a) The term “Secretary” means the Secretary of Agriculture.

(b) The term “person” means any individual, partnership, corporation, association, or any other entity.

(c) The term “cotton” means (1) all upland cotton harvested in the United States, and, except as used in section 2106(e) of this title, includes cottonseed of such cotton and the products derived from such cotton and its seed and (2) imports of upland cotton including the upland cotton content of the products derived from upland cotton (other than industrial products as defined by the Secretary). The term “cotton” shall not, however, include any entry of imported cotton by an importer that has a value or weight less than any de minimis figure as established in accordance with regulations issued by the Secretary. Any de minimis figure as established under this paragraph shall be such as to minimize the burden in administering the assessment provision but still provide for the maximum participation of imports of cotton in the assessment provisions of this chapter.

(d) The term “handler” means any person who handles cotton or cottonseed or, for the purposes of sections 2102, 2105(c), and 2112 of this title, any person who imports cotton, including de minimis amounts of cotton described in subsection (c) of this section, in the manner specified in the order or in the rules and regulations issued thereunder.

(e) The term “United States” means the 50 States of the United States of America.

(f) The term “cotton-producing State” means any State in which the average annual production of cotton during the five years 1960–1964 was twenty thousand bales or more, except that any State producing cotton whose production during such period was less than such amount shall under regulations prescribed by the Secretary be combined with another State or States producing cotton in such manner that such average annual production of such combination of States totaled twenty thousand bales or more, and the term “cotton-producing State” shall include any such combination of States.

(g) The term “marketing” includes the sale of cotton or the pledging of cotton to the Commodity Credit Corporation as collateral for a price support loan.

(h)(1) The term “importer” means any person who enters, or withdraws from warehouse, cotton for consumption in the customs territory of the United States.

(2) The term “import” means any such entry.

(Pub. L. 89–502, § 17, July 13, 1966, 80 Stat. 286; Pub. L. 101–624, title XIX, § 1997, Nov. 28, 1990, 104 Stat. 3913.)

AMENDMENTS

1990—Subsec. (c). Pub. L. 101–624, § 1997(1), designated existing provisions as cl. (1) and added cl. (2).

Subsec. (d). Pub. L. 101–624, § 1997(2), inserted “or, for the purposes of sections 2102, 2105(c), and 2112 of this title, any person who imports cotton, including de minimis amounts of cotton described in subsection (c) of this section,” after “cottonseed”.

Subsec. (h). Pub. L. 101–624, § 1997(3), added subsec. (h).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2107 of this title.

§ 2117. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 89–502, § 18, July 13, 1966, 80 Stat. 286.)

§ 2118. Authorization of appropriations

There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this chapter. The funds so appropriated shall not be available for the payment of the expenses or expenditures of the Cotton Board in administering any provisions of any order issued pursuant to the terms of this chapter.

(Pub. L. 89–502, § 19, July 13, 1966, 80 Stat. 287.)

§ 2119. Repealed. Pub. L. 94–366, § 1, July 14, 1976, 90 Stat. 991

Section, Pub. L. 91–524, title VI, § 610, Nov. 30, 1970, 84 Stat. 1378; Pub. L. 93–86, § 1(23), Aug. 10, 1973, 87 Stat. 235, related to cotton development programs of the Commodity Credit Corporation, and funding for such programs.

EFFECTIVE DATE OF REPEAL

Section 1 of Pub. L. 94–366 provided that this section is repealed effective Oct. 1, 1977.

CHAPTER 54—TRANSPORTATION, SALE, AND HANDLING OF CERTAIN ANIMALS

Sec.

2131.

Congressional statement of policy.

2132.

Definitions.

2133.

Licensing of dealers and exhibitors.

2134.

Valid license for dealers and exhibitors required.

2135.

Time period for disposal of dogs or cats by dealers or exhibitors.

2136.

Registration of research facilities, handlers, carriers and unlicensed exhibitors.

2137.

Purchase of dogs or cats by research facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors.

2138.

Purchase of dogs or cats by United States Government facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors.

2139.

Principal-agent relationship established.

2140.

Recordkeeping by dealers, exhibitors, research facilities, intermediate handlers, and carriers.

2141.

Marking and identification of animals.

2142.

Humane standards and recordkeeping requirements at auction sales.

2143.

Standards and certification process for humane handling, care, treatment, and transportation of animals.

(a) Promulgation of standards, rules, regulations, and orders; requirements; research facilities; State authority.

(b) Research facility Committee; establishment, membership, functions, etc.

(c) Federal research facilities; establishment, composition, and responsibilities of Federal Committee.

(d) Training of scientists, animal technicians, and other personnel involved with animal care and treatment at research facilities.

(e) Establishment of information service at National Agricultural Library; service functions.

(f) Suspension or revocation of Federal support for research projects; prerequisites; appeal procedure.

(f) Veterinary certificate; contents; exceptions.

(g) Age of animals delivered to registered research facilities; power of Secretary to designate additional classes of animals and age limits.

(h) Prohibition of C.O.D. arrangements for transportation of animals in commerce; exceptions.

2144.

Humane standards for animals by United States Government facilities.

2145.

Consultation and cooperation with Federal, State, and local governmental bodies by Secretary of Agriculture.

2146.

Administration and enforcement by Secretary.

(a) Investigations and inspections.

(b) Penalties for interfering with official duties.

(c) Procedures.

2147.

Inspection by legally constituted law enforcement agencies.

2148.

Repealed.

2149.

Violations by licensees.

(a) Temporary license suspension; notice and hearing; revocation.